

GRANT P. FONDO (SBN 181530)
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Attorney for Defendant
CARLOS E. KEPKE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS E. KEPKE,

Defendant.

Case No. 3:21-CR-0155-JD

**DECLARATION OF GRANT P. FONDO
IN SUPPORT OF OPPOSITION TO
MOTION TO EXCLUDE
DEFENDANT'S PROFFERED EXPERT
WITNESS, RODNEY READ**

Date: October 17, 2022
Time: 10:30 a.m.
Dept: 11
Judge: Hon. James Donato

DECLARATION OF GRANT P. FONDO

I, Grant P. Fondo, declare as follows:

1. I am a partner with the law firm Goodwin Procter LLP and a member of good standing of the bar of this Court. I represent Defendant Carlos E. Kepke (“Mr. Kepke”) in the above-captioned matter. I submit this Declaration in support of Mr. Kepke’s Opposition to the Government’s Motion to Exclude Defense Expert, Rodney Read (“Mr. Read”). Unless stated otherwise, this declaration is based on my personal knowledge, and if called as a witness I could and would testify as follows:

2. On June 10, 2022, the government contacted the defense raising concerns about the sufficiency of Mr. Kepke’s expert disclosure provided to the government on June 3, 2022. The defense responded offering to set up a call to discuss the government’s objections.

3. On June 22, 2022, the government and the defense spoke on the phone. During this call, the defense expressed our disagreement with the government’s claim that its expert disclosure was insufficient and that an expert report was required. However, the defense did agree to supplement its summary of Mr. Read’s expected testimony.

4. Following the June 22, 2022, call, the parties agreed to re-engage at the end of July to discuss whether the government needed additional time to file a *Daubert* motion.

5. On July 22, 2022, the defense provided both a supplemental expert disclosure and rebuttal expert disclosure.

6. The government did not raise any further objections to the disclosures, nor did they request additional time to file a *Daubert* motion.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on August 19, 2022 in Los Altos, California.

Dated: August 19, 2022

By: /s/ Grant P. Fondo

GRANT P. FONDO (SBN 181530)

GFondo@goodwinlaw.com

GOODWIN PROCTER LLP

Attorney for Defendant

CARLOS E. KEPKE

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Northern District of California by using the CM/ECF system on **August 19, 2022**. I further certify that all participants in the case are registered CM/ ECF users and that service will be accomplished by the CM/ECF system.

I certify under penalty of perjury that the foregoing is true and correct. Executed on **August 19, 2022** in Los Altos, California.

/s/ Grant P. Fondo

GRANT P. FONDO